



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10.06.2026

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**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

W.P(MD)No.15412 of 2026

K.Murugesan

... Petitioner(s)

- Vs. -

1.The District Collector,
Virudhunagar District.

2.The Revenue Divisional Officer,
Aruppukottai Taluk,
Virudhunagar District.

3.The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.

... Respondent(s)

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the Respondents 1 to 3 to grant permission to bury the petitioner sons body petitioners patta land which is situated at survey No.70/26B or survey No. 70/37 in petitioner house campus compound wall based on the petitioner representation on 01.06.2026 within the time limit that may be stipulated by this Honble Court for the following among other facts and circumstances of the case and thus render justice.



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For Petitioner :M/s.Villavan Kothai
For Respondent :Mr.S.P.Sudarkodi Nachiyar
Government Standing Counsel

ORDER

This writ petition is filed for a mandamus directing the respondents 1 to 3 to grant permission to bury the petitioner's son's body in the petitioner's Patta land, which is situated at S.No.70/26B or S.No.70/37 within the premises of the petitioner's house, based on the representation of the petitioner dated 01.06.2026.

2.Upon hearing the learned counsel for the petitioner and perusing the material records of the case, the claim of the petitioner is that the petitioner's son was brutally murdered on 07.05.2026 and the body is now lying in the Mortuary. As on date the petitioner submits that his son's wish was to be buried within their own premises. Accordingly, when the petitioner sought for permission to bury in the petitioner's own land, the same is yet to be granted and therefore, the petitioner is before this Court.

3.The petitioner had given 2 alternative choices for grant of permission.



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4.The learned Government Standing Counsel appearing on behalf the respondents would submit that the permission relating to burial can be granted by the District collector or any other authority only as per the Tamil Nadu Village Panchayats(provision of Burial and Burning Grounds) Rules, 1999. As per Rule 7, there are two requisites, the place should be a licensed place and secondly, it should not be within a distance of 90 meters of any other dwelling place or source of drinking water supply. In the instant case, where the petitioner is asking is not a licensed place. Secondly, it is also within the 90 meters of other dwelling places and as a matter of fact, with reference to one of the survey number, the neighbors have even objected to for granting such permission.

5.I have considered the rival submissions made on either side and perused the material records of the case.

6.In reply thereof, the learned counsel for the petitioner would place reliance on the judgment of this Court in ***Porkodi Vs. State, rep. by the Principal Secretary and others, (2024 SCC Online Mad. 3017)*** whereby similar request in respect of yet another person was granted by this Court.



7.The subject relating to burial of body is no longer res integra and has been already decided by the Full Bench of this Court in ***Jagadheeswari***

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and Others Vs. B Babu Naidu and others[(2023) 2 Writ LR 159(FB)]. By the said judgment, the Division Bench considered the arguments that whether the place of burial in their own Patta land needs a license or not when it is beyond 90 metres of any other dwelling place or drinking water supply. The Full Bench, after considering the different views taken, held that a proper reading of Rule 7(i) of the Rules, the burial of the body can only be in the licensed place. Merely because, it is beyond 90 meters also that by itself will not automatically entitle anybody to bury the body in the Patta land.

8.As a matter of fact, on perusal of the judgment in *Porkodi case(cited supra)*, it can be seen that the Court considered the fact that 90 meter rule was not violated and no neighbours had opposed and a proposal was already made by the District Collector, Tiruvallur, for converting the piece of the land in question from Rayatwari Punja land as a burial ground. Thus, it can be seen that there also an order was passed directing the concerned individuals to follow the Rules. As a matter of fact, the petitioner has to bury the body in a place already designated as a burial ground.



9.If it has to be buried in any other place, firstly, the same has to be registered as the burial ground as per Rule 4 of the Rule, by following the due procedure. Therefore, a due license can be applied and if the parameters meted out and if the appropriate authority designates even a piece of the Patta land as a burial ground, thereafter, the burial can be made in that piece of the land with the license. Without the land being designated as the burial ground, nobody can bury the body as per the dictum of the Honorable Full Bench of this Court. This Court is bound by the said dictum.

10.In view thereof the prayer made by the petitioner as such cannot be granted, but the writ petition is disposed of on the following terms:

(i)The petitioner shall make immediate arrangements with sufficient time for the relatives as well as any other persons, including political leaders, to attend the last rites and ceremonies and accordingly, make a request for the body to be handed over to be buried in the designated licensed place.

(ii)Notwithstanding the burial, the petitioner will be entitled to file an application by showing any definite piece of land to the appropriate authority and such place for license/designation shall be considered in accordance with law and if it is within the parameters of having 90 meter distance from the dwelling house and no other drinking water source within



90 meter.

(iii)As per procedure, the said piece of land can be considered for

designating as a burial ground exclusively for burying the said body and as and when such license is granted and the order is passed in favour of the petitioner, it will always be open for the petitioner to exhume the body and bury him in the place as desired.

(iv)No costs.

10.06.2026

NCC:Yes/No

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To

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Virudhunagar District.

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D.BHARATHA CHAKRAVARTHY, J.

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